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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,483	06/19/2003	Marc Benkert	03292.200460.1	6330
66569 7590 10/28/2009 FITZPATRICK CELLA (AMEX) 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER				
GOTTSCHALK, MARTIN A				
ART UNIT		PAPER NUMBER		
3696				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/600,483

Applicant(s)

BENKERT ET AL.

Examiner

MARTIN A. GOTTSCHALK

Art Unit

3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 9-23 and 41-61 is/are pending in the application.
- 4a) Of the above claim(s) 41-61 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Notice to Applicant

1. This Office Action replaces the one mailed 10/14/09. In the previous action, the statement of rejection for claims 1-9, 9-23, and 41-45 mistakenly indicated these claims were rejected under 35 USC §102, when they were actually rejected under 35 USC §103. The purpose of this action is to correct this error. All other aspects of this action remain the same as in the one being replaced.
2. Claims 1-4 and 9-23 have been examined. Claims 41-61 are withdrawn. Claims 5-8 and 24-40 are cancelled.

Claim Rejections - 35 USC § 112

3. The rejections under this section from the previous Office Action on the Merits are hereby withdrawn.

Claim Rejections - 35 USC §101

4. The rejections under this section from the previous Office Action on the Merits are hereby withdrawn.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-4, 9-23, and 41-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solokl et al (US Pat# 6,173,269) in view of Komen et al (US Pat# 6,892,184, hereinafter Komen).

As per claim 1, Solokl teaches a method for administering a subsidiary account, the method being performed by a computer and comprising the steps of:

receiving, from a parent system, a request to establish a subsidiary account associated with a parent account defining a subsidiary account spending capacity based on a currency of a first country (Solokl: col 4, lns 12-21; lns 35-

41; col 8, Ins 55-65);

determining an exchange rate corresponding to the currency of the first country and a currency of a second country distinct from the first country (Solokl: col 9, Ins 54-56. See below, next reference for the feature of "determining an effective time period associated with the exchange rate");

and

storing, in a database,

a subsidiary account identifier (Solokl: col 6, Ins 16-50),

and

the exchange rate (Solokl: col 9, Ins 54-56. See below, next reference for the "time period" for the exchange rate feature),

wherein purchases made using the subsidiary account are limited by the subsidiary account spending capacity (Solokl: col 9, Ins 19-24, i.e. "daily/weekly spending limits"),

and

wherein purchases made using the subsidiary account in the currency of the second country are converted into the currency of the first country according to the exchange rate (Solokl: col 9, lns 54-56. See below, next reference for the “during the effective time period” feature).

Solokl teaches the use of an exchange rate (see above) but does not teach providing a time period in which the exchange rate remains effective. However, this feature is taught by Komen. Komen teaches a system for use in international e-commerce transactions to hedge, or lock-in a price in a buyer's local currency, thus mitigating currency exchange risk (Komen: col 2, lns 22-53). The disclosure includes the ability to guarantee a particular exchange rate for a limited period of time (Komen: col 10, lns 38-47), and that the length of the guarantee period may be set by a user (Komen: col 12, lns 43-50). Thus the previously cited teachings of Solokl could be combined with the teachings of Komen concerning hedging exchange rates for a specified period of time to teach

a method for administering a subsidiary account, the method being performed by a computer and comprising the steps of:

determining, by the parent system, an effective time period associated with the exchange rate (Komen: col 2, Ins 22-53; col 10, Ins 38-47, and col 12, Ins 43-50)

and

storing, in a database, the effective time period (Komen: col 10, Ins 65-67);

and

wherein, during the effective time period, purchases made using the subsidiary account in the currency of the second country are converted into the currency of the first country according to the exchange rate (Komen: col 3, Ins 10-30),

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the system of Soloki with the cited teachings of Komen in order to hedge the foreign exchange risk of an e-commerce purchase (Komen: col 2, Ins 22-53).

As per claim 2, Solokl teaches a method according to claim 1, wherein the parent account is established by a first institution and the subsidiary account is at least partially maintained by said second institution (Solokl: col 5, Ins 33-46; col 10, Ins 3-6).

As per claim 3, Solokl teaches the method of claim 2, wherein the second institution is situated in a location remote from the first institution (Solokl: col 5, Ins 33-46; col 10, Ins 3-6).

As per claim 4, Solokl teaches the method of claim 2, wherein the second institution is situated in a country that is different from the country of the first institution (Solokl: col 9, Ins 54-56).

As per claim 9, Solokl teaches the method of claim 1 further comprising the step of modifying the subsidiary account spending capacity in response to a request from the parent system . (Solokl: col 9, Ins 17-25).

As per claim 10, Solokl teaches the method of claim 9, further comprising the step of modifying the parent spending power based on a modification of the subsidiary account spending capacity (Solokl: col 9, Ins 16-24).

As per claim 11, Solokl teaches the method of claim 1, further comprising the step of determining a parent account spending power for the parent account and the subsidiary

account spending capacity for the subsidiary account in accordance with a predetermined set of rules (Solokl: col 6, Ins 63-66; col 9, Ins 16-24).

As per claim 12, Solokl teaches the method of claim 1, further comprising the step of tracking spending incurred using the subsidiary account (Solokl: col 6, Ins 35-49).

As per claim 13, Solokl teaches the method of claim 1, further comprising the step of limiting total spending incurred using the subsidiary account (Solokl: col 9, Ins 16-24).

As per claim 14, Solokl teaches the method of claim 1, further comprising the step of limiting spending incurred using the subsidiary account for a specific class of goods or services (Solokl: col 6, Ins 6-8).

As per claim 15, Solokl teaches the method of claim 1, further comprising the step of limiting spending incurred using the subsidiary account at a specific class of merchants (Solokl: col 6, Ins 1-3).

As per claim 16, Solokl teaches the method of claim 1, further comprising the step of limiting spending incurred using the subsidiary account at a specific merchant (Solokl: col 6, Ins 1-3).

As per claim 17, Solokl teaches the method of claim 1, further comprising the step of

enforcing specific restrictions against the subsidiary account, wherein the specific restrictions exist to condition the use of the parent account (Solokl: col 8, Ins 13-15).

As per claim 18, Solokl teaches the method of claim 1, further comprising the step of accommodating an emergency transaction account (Solokl: col 9, Ins 25-30).

As per claim 19, Solokl teaches the method of claim 1, further comprising the step of generating a statement for the subsidiary account (Solokl: col 6, Ins 35-39).

As per claim 20, Solokl teaches the method of claim 1, further comprising the step of generating a statement for the parent account (Solokl: col 6, Ins 1-3).

As per claim 21, Solokl teaches the method of claim 1, further comprising the step of terminating the subsidiary account in response to a request from the parent system (Solokl: col 9, Ins 19-24).

As per claim 22, Solokl teaches the method of claim 1, wherein the subsidiary account is configured to carry-over spending capacity from one cycle to the next (Solokl: col 8, Ins 55-65).

As per claim 23, Solokl teaches the method of claim 1, wherein the subsidiary account

is configured to prevent carry-over of spending capacity from one cycle to the next (Solokl: col 8, lns 55-65).

Response to Arguments

8. Applicants arguments in the response filed 09/10/2009 concerning the feature of claim 1 which recites "an effective time period associated with the exchange rate" are found persuasive. New prior art has been provided here which teaches this feature.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARTIN A. GOTTSCHALK whose telephone number is (571)272-7030. The examiner can normally be reached on Mon - Fri 10:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Martin A. Gottschalk/
Examiner, Art Unit 3696